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COMMITTEE ANNOUNCEMENTS

COMMITTEE I, UNIVERSITY ETHICS.—It is the hope of the Committee that its work may parallel that of the Committee on Professional Ethics of the New York County Lawyers' Association. For some years the latter Committee has been answering specific questions in regard to matters of legal ethics submitted to it, and has published and circulated the questions and answers. For those who may not know of the work of that lawyers' committee, questions and answers 78 and 139, which relate to matters which may be of interest to laymen, are here inserted. They are:

78. *Question:* The following questions are submitted by a lawyer who, while managing clerk in the employ of another lawyer, learned of the latter's irregularities as specified below. The inquirer has severed his relations with said former employer on account of the said irregularities, but he now inquires whether it is his professional duty to take any other steps in respect to the matter, and if so, what?

(a) While in the said employ the inquirer learned by virtue of his employment that his employer, acting in behalf of a plaintiff in a negligence action, had received from a casualty company which appeared for the unsuccessful defendant, a check in full payment of a judgment for damages and costs rendered in behalf of the plaintiff, the employer's client, but the employer (as the inquirer is advised by the plaintiff) has not acquainted the plaintiff with the fact of such payment or accounted to him for the amount thereof, but has falsely informed his client that an appeal from said judgment is pending and has retained the money without the knowledge of the client.

(b) The employer was retained to prosecute an action for breach of promise of marriage; the inquirer learned from an affidavit procured by him at his employer's suggestion, detailed facts which if disclosed would demonstrate that the plaintiff has no cause of action, and particularly when the alleged promise was made the plaintiff knew that the defendant was a married man and legally unable to carry out his promise. The employer had full cognizance of the contents of the affidavit but nevertheless directed the inquirer to serve a summons upon the defendant, and the defendant was accordingly served by direction of the inquirer.

(c) While in the said employment the inquirer learned of the misapplication by the employer of funds entrusted to him by a client for investment, and the employer falsely represented to his client that the investment had been made as directed and falsely persuaded the client to delay foreclosure on the pretense that the maker of the obligation, in which he falsely pretended to have made the investment, is an honest but poor man.

Answer: This Committee never expresses an opinion as to whether a given state of facts is ground for disciplining an attorney. To do so would trench upon the jurisdiction of another committee of this Association. This Committee therefore treats Question No. 78 as presenting but one inquiry, viz., whether it is the professional duty of a lawyer to inform against his former employer, also a lawyer, when knowledge of the employer's flagrant wrongdoing has come to the employee in the course of the latter's employment as managing clerk—that is, in a confidential capacity. In the opinion of the Committee, an employee, being a lawyer, owes a higher duty to his profession at large than to a dishonest employer, and therefore should not only leave the employment, but lay all the facts before the proper committee of a bar association. (See No. 29, Canons of Ethics of the American Bar Association.)

139. *Question:* A, an attorney, is approached by the attorneys for a public service corporation, with whom he has no previous acquaintance, and is asked to appear at a public hearing as a citizen and taxpayer to object to action to which the corporation is opposed; the attorneys offer to pay him a fee for doing so. A declines the employment. The attorneys, in the course of the conversation, inform A that his name has been suggested by X, an attorney and a man of prominence and influence, as one who may be available for the purpose; after A declines, they mention the names of some others who had been suggested for this employment and ask A's views as to their availability; they particularly inquire about Y, another attorney of prominence in local politics. A takes no part in the matter referred to. The subject matter of the hearing is involved in a subject which is about to come up for important public action. Knowledge on the part of the public of the foregoing facts and particularly of the relations of X and Y and of the corporation and its attorneys to the transaction might materially influence the attitude of the public on the question. Whether that influence would tend toward a desirable or an undesirable result is not at

present clear to A, partly because persons on both sides of the controversy are likely to be affected by the disclosure.

The questions on which the Committee's opinion is asked are:

(1) Would A have been justified in accepting the employment offered?

(2) What is A's duty with respect to making public disclosure of the facts stated above and more particularly:

(a) Is he under a duty to the corporation and its attorneys not to disclose them?

(b) Is he under a duty to the Public to disclose them?

(c) Is he justified in entering into a public discussion on the merits of the question in which he will express his own personal views without disclosing the foregoing facts?

(d) Is he justified in using his own judgment and in disclosing or not disclosing the foregoing facts, according, as in his own opinion, their disclosure will tend to action in the public interest or the reverse?

Answer: In the opinion of the Committee:

(1) It would have been improper for the attorney to masquerade as suggested. (See Canon 26 of the American Bar Association.)

(2) (a) No. The employment offered was not of proper professional nature and therefore imposed no confidential relation.

(b) No; but he may use his discretion.

(c) Yes.

(d) Yes.

Over one hundred and fifty questions pertaining to legal etiquette and legal ethics have been answered. That Committee has had the inestimable advantage of having its members able to meet to pass on questions, which the Committee on University Ethics could seldom have, but questions could be answered after consultation by correspondence. The Committee on University Ethics therefore invites the submission of specific questions in regard to the ethical phases of university life.

It is also the hope of the Committee to arrange round table conferences on special topics of University Ethics as to which general discussion would probably prove enlightening. Many of the matters which have been suggested for the consideration of the Committee on University Ethics have a very close relation to the work of the Committee on Academic Freedom, and it is hoped that round table conferences of the two committees may be held so that a

satisfactory demarcation of the fields of work of the committees may be made and so that possibly some problems may receive a satisfactory joint solution.

In the BULLETIN of December, 1917, some of the general problems submitted to the Committee on University Ethics are mentioned. Three others have been suggested to the Committee:

(1) Bidding for patronage by an instructor or department at the expense of other instructors or departments in the same institution.

(2) The etiquette to be followed on receipt of an offer from another institution and the propriety of resignations which embarrass departments or institutions.

(3) The propriety of using university stationery when writing letters about public affairs.

COMMITTEE U, PATRIOTIC SERVICE.—Chairman Haskins having resigned in consequence of the assumption of new duties, has been succeeded by Shailer Mathews (Theol.), Chicago.

COMMITTEE V, APPARATUS FOR PRODUCTIVE SCHOLARSHIP.—This Committee has recently been organized as follows: Chairman, J. M. Burnam (Latin), Cincinnati; Vice-Chairman, F. J. Teggart (History), California. Preliminary list of members: C. D. Buck (Sanskrit and Indo-European Philosophy), Chicago; Clive Day (Economics), Yale; J. A. Fairlie (Pol. Sci.), Illinois; Max Farrand (History), Yale; G. T. Flom (Scandinavian Languages), Illinois; C. H. Grandgent (Italian), Harvard; M. F. Guyer (Zoology), Wisconsin; G. L. Hamilton (French and Romanic Philology), Cornell; A. R. Hatton (Government), Western Reserve; P. J. Healy (Ecclesiastical History), Catholic University of Washington; E. R. Hedrick (Mathematics and Astronomy), Missouri; M. Jastrow, Jr. (Semitic Languages), Pennsylvania; V. L. Kellogg (Entomology), Stanford; C. Knapp (Latin), Columbia; B. E. Livingston (Botany), Hopkins; J. C. Merriam (Paleontology), California; H. Prinz (Dentistry), Pennsylvania; D. R. Stuart (Greek), Princeton; F. Thilly (Philosophy), Cornell; C. Thomas (Germanic Languages), Columbia; J. W. Tupper (English), Lafayette; C. P. Wagner (Hispanic Languages), Michigan; J. B. Watson (Psychology), Johns Hopkins.

The Vice-Chairman is now actively at work in Washington, having leave of absence from the University of California.